

STATE OF OREGON

COUNTY OF YAMHILL

ORDER APPROVING A TEMPORARY CHANGE IN PLACE OF USE

Pursuant to ORS 540.523, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TEMPORARY TRANSFER 8738 submitted by

F. ALLAN ELLIOTT
C/O CARLTON PLANTS, LLC
P.O. BOX 398
DAYTON, OREGON 97114.

The right to be modified, as evidenced by a PORTION of Certificate 53095, was perfected under Permit G-8464 with a date of priority of FEBRUARY 20, 1979. The right allows the use of A WELL, in the WILLAMETTE RIVER BASIN, for IRRIGATION OF 17.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 cubic foot per second, if available at the original well; SE¼ NW¼ AS PROJECTED WITHIN HEWITT DLC 56, SECTION 16, T 5 S, R 3 W, W.M.; 1890 FEET SOUTH AND 2230 FEET EAST FROM THE NW CORNER, HEWITT DLC 56, or its equivalent in case of rotation, measured at the well.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SE¼ NW¼ 17.9 ACRES
AS PROJECTED WITH HEWITT DLC 56
SECTION 16
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to TEMPORARILY change the place of use to:

SW¼ NW¼ 4.6 ACRES
SE¼ NW¼ 12.9 ACRES
NE¼ SW¼ 0.3 ACRES
NW¼ SW¼ 0.1 ACRES
AS PROJECTED WITH HEWITT DLC 56
SECTION 16
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

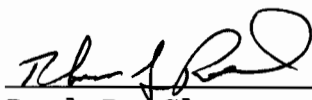
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. This change is temporary. This change shall be effective upon issuance of this order.
2. The former place of use shall **not** be irrigated as part of this water right during the 2001 irrigation seasons.

3. The use shall revert to the authorized place of use at the end of the 2001 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed APR 25 2001.



Paul R. Cleary, Director